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TO: **Amy B. Vanatta**FAX #: **703-872-9302**FIRM NAME: **U. S. PATENT & TRADEMARK OFFICE**TELEPHONE #: **703-308-2939**FROM: **Gary M. Polumbus**FAX #: **(303) 638-3400**TELEPHONE #: **(303) 352-1124**EMAIL: **polumbus-gary@dorsey.com****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s): **Bryan K. Ruggles et al.**Docket No.: **11422US.00**Title: **METHOD AND APPARATUS FOR RELIEVING
STRESS IN A FABRIC**Serial No.: **09/887,966**Filing Date: **22 June 2001**Examiner: **Amy B. Vanatta**Group Art Unit: **3765****CERTIFICATE OF TRANSMISSION**

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#1
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 7669

Bryan K. Ruggles et al.

Group Art Unit: 3765

Application No.: 09/887,966

Examiner: Vanatta, Amy B.

Filed: 22 June 2001

For: METHOD AND APPARATUS FOR RELIEVING STRESS IN A FABRIC

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This letter is in response to the Office action dated September 18, 2003 wherein the Examiner required restriction of the claims under 35 U.S.C. § 121 to one of two inventions. In the Office action, it is asserted that the application contains two inventions:

- I. Claims 1-8 and 16-20, drawn to a method of relieving stress in a fabric classified in class 26, subclass 92.
- II. Claims 9-15, drawn to an apparatus for relieving stress in a window covering, classified in class 26, subclass 92.

Applicants respectfully traverse the Examiner's requirement for restriction. The Examiner has failed to show either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

The Examiner provides an example of a different order for steps in a method for relieving stress in fabric as claimed in claims 1-8 and 16-20. Specifically, the Examiner asserts that the apparatus as claimed can be used to practice another process, such as one in which the tension is released prior to the removal of the heat. However, the Examiner does not state why the example of a different order for releasing tension and removing heat is an example of a

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Application No. 09/887,966
Attorney Docket No. 11422US.00

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materially different process. There is also no explanation of why such different orders of steps would be considered a different process and what is materially different about it.

It is also asserted that the process as claimed can be practiced by another materially different apparatus, such as an apparatus having just one heating element disposed above or below the fabric, as in an oven. The Examiner does not state why the example of an apparatus having one heating element is an example of a materially different apparatus. There is also no explanation of why the use of one heating element would be considered a different apparatus and what is materially different about it. Furthermore, the apparatus of claims 9-15 is especially adapted to carry out the method of claims 1-8 and 16-20.


Pursuant to 37 C.F.R. § 1.143, Applicants provisionally elect for prosecution Group I of the claims as identified by the Examiner as drawn to a method of relieving stress in a fabric, pending the Examiner's consideration of Applicants' traverse of and request for reconsideration of the restriction requirement.

In addition, because Applicants are provisionally electing Group I for prosecution, there will be no additional burden on the Examiner to examine both Group I and Group II. The Examiner asserts that a search required for Group I is not required for Group II. However, a search required for Group I would appear to include a search required for Group II.

This Response is being filed on October 17, 2003, which is within the one month shortened statutory period. As such, it is believed that no fees are due with this Response. If any petitions or fees are required, please consider this a petition therefore and charge Deposit Account No. 04-1415 the required additional amount. If the Examiner finds any issue that may be resolved in a telephone conference, please do not hesitate to contact the undersigned at the below-listed number.

Respectfully submitted,

Date: October 17, 2003


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